

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

MAGISTRATE CASE № 1:08-MJ-600

UNITED STATES OF AMERICA,

Plaintiff,

v.

PRECIOUS MATTHEWS,

Defendant.

/

EMERGENCY MOTION TO RELEASE DEFENDANT

The Defendant, **PRECIOUS MATTHEWS**, by and through his undersigned counsel, pursuant to Federal Rule of Criminal Procedure 47, and respectfully moves this Honorable Court to enter an Order requiring U.S. Pretrial Services to release the Defendant. As grounds therefore, we aver the following:

1. On August 29, 2008, the Defendant appeared before U.S. Magistrate Judge John Anderson for a pretrial detention hearing.
2. The government and defense counsel stipulated to an unsecured bond in the amount of two hundred fifty thousand (\$250,000.00) dollars; a secured bond in the amount of thirty thousand (\$30,000.00) dollars; third party custodian; and pretrial supervision with special conditions (see paragraph below).
3. The special conditions of bond imposed upon the Defendant are as follows:
 - a) Defendant is to reside with her one or more of her relatives who co-signed the aforementioned bond;

b) Surrender all passports and travel documents to Pretrial Services Office;

c) Pretrial Services supervision and reporting requirements;

d) Seek and maintain full-time employment;

e) Refrain from contact with any witnesses and/or co-defendants;

f) Refrain from possessing any firearms;

g) Electronic monitoring with a curfew during the hours of 10:00 p.m. to 6:00 a.m.;

h) Submit to substance abuse testing and/or treatment; and

i) Travel restricted to Maryland and Virginia.

4. All of the above conditions have been met with the exception of one; that requires the Defendant to provide her passport to Pretrial Services.

5. The Defendant's passport was in safe deposit box in Miami, FL. At the Defendant's initial appearance, she advised government counsel of the location of her passport. Additionally, she signed a consent form on August 29, 2008, allowing government agents to obtain same from the bank on her behalf.

6. For reasons unknown to defense counsel, the government agents were unable to obtain the Defendant's passport from her safe deposit box until Wednesday, September 10, 2008. As of this writing, the Defendant's passport is in the possession of one or more government agents.

7. Pretrial Services is refusing to release the Defendant from custody until the Defendant's passport is in its possession.

8. The Defendant respectfully seeks this Court to enter an Order directing her to be released since the government has custody of her passport and she no longer has possession, custody or control of same.

WHEREFORE, the Defendant, **PRECIOUS MATTHEWS**, respectfully requests that this Honorable Court grant the relief sought herein.

Respectfully submitted,

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s/Andrew A. Protogyrou

s/ Samuel J. Rabin, Jr.

ANDREW A. PROTOGYROU
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September 2008, a true and correct copy of the foregoing Emergency Motion to Release Defendant was furnished to all counsel on the list of counsel designated to receive electronic filings in this case.

s/Andrew A. Protogyrou

s/ Samuel J. Rabin, Jr.

ANDREW A. PROTOGYROU

SAMUEL J. RABIN, JR.